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April 29, 2013

**VIA CM/ECF ONLY**

The Honorable Joseph E. Irenas, S.U.S.D.J.  
United States District Court for the District of New Jersey  
Mitchell H. Cohen Federal Building & U.S. Courthouse  
1 John F. Gerry Plaza, Room 310  
Camden, NJ 08101

**Re: Brady, et al v. Air Line Pilots Association, Int'l**  
**Civil Action No. 02-2917 (D.N.J. Camden) (JEI)**  
**Stipulation and Order as to Michael Tannen**

Dear Judge Irenas:

I am enclosing a proposed Stipulation and Order regarding a potential witness, Michael Tannen. The parties have drafted and signed the enclosed Stipulation and Order with respect to the treatment of this witness. Accordingly, I am respectfully requesting that the court enter and file the enclosed Stipulation and Order which memorializes the parties' agreement in this regard. Please note that the Stipulation and Order has been signed by all counsel.

Should you have any questions, please contact me. Thank you.

Respectfully submitted,

  
KERRI E. CHEWNING

KEC:gam  
Enclosure  
cc: All Counsel via CM/ECF  
9705522v1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

PATRICK BRADY, ET AL.,

Plaintiffs,

vs.

AIR LINE PILOTS ASSOCIATION,  
INTERNATIONAL

Defendant.

Civil Action No. 02-CV-2917 (JEI)

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**STIPULATION AND ORDER  
AS TO MICHAEL TANNEN**

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**WHEREAS** Plaintiffs designated Michael Tannen ("Tannen") as a potential witness in Plaintiffs' Supplemental Rule 26 Disclosures (Damage Phase), dated November 5, 2012;

**WHEREAS** Defendant Air Line Pilots Association, International ("ALPA") expressly sought and received permission from the Court on February 15, 2013 to depose Tannen by April 30, 2013;

**WHEREAS** Plaintiffs' counsel subsequently represented that Plaintiffs likely would not call Tannen as a witness at the damages trial;

**WHEREAS** ALPA, in reliance on Plaintiffs' representation that they will not call Tannen to testify at the damages trial, decided that it is not necessary to depose Tannen at this time;

**WHEREAS** Plaintiffs' counsel indicated that Plaintiffs may seek to play at the damages trial the video presentation in which Tannen explains the "Rightful Place Proposal,"

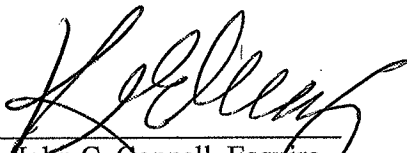
which was marked as Exhibit P-428 at the liability trial;

**IT IS HEREBY STIPULATED AND AGREED, THAT:**

1. Plaintiffs will not call Tannen to testify at the damages trial.
2. ALPA will not depose Tannen.
3. ALPA reserves all rights to object to the admissibility of any evidence that Plaintiffs seek to introduce at trial, including any explanations of the “Rightful Place Proposal,” whether documented on video or in some other form, which objections Plaintiffs maintain are waived.
4. Plaintiffs reserve the right to seek to call Tannen in the event the video is excluded, in which case Plaintiffs must advise ALPA at least sixty (60) days in advance of trial of their intent to do so.
5. In that event, ALPA shall be entitled to depose Tannen prior to trial.

Dated: April 29, 2013

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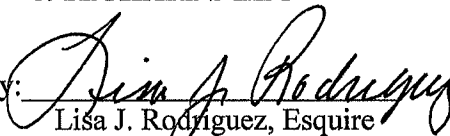
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*Attorneys for Defendant Air Line Pilots  
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**SO ORDERED:**

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HONORABLE JOSEPH E. IRENAS  
UNITED STATES DISTRICT JUDGE

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